

**DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINED LAND RECLAMATION
& DIVISION OF MINES**

GUIDANCE MEMORANDUM¹ No. 21-07

Issue Date: December 10, 2007

Subject: Submittal of Electronic Engineers Signatures and Seals for Maps, Drawings and Plans

This memorandum is intended to provide guidance for the use of electronic signatures and seals on digital maps, plans, and drawings submitted to the Division of Mined Land Reclamation (DMLR) and the Division of Mines (DM).

Effective immediately, DMLR and DM will accept all maps, plans, and drawings in an electronic or digital format. These digital files need to be submitted as either *PDF* or *DWF* files and as *DWG* files.

DMLR and DM are requiring that two sets of files (a *PDF/DWF* file and a *DWG* file) be submitted. Only the *PDF* or *DWF* files need to be sealed and signed by a professional engineer.

For the time being, the *PDF* or *DWF* files should be submitted with an electronic engineer seal and signature as provided by the **Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects Regulations** at §[18VAC10-20-760](#).B².

The maps, plans, and drawings that are submitted and sealed and signed electronically shall include the signed and sealed hard copy letter required by §[18VAC10-20-760](#)(B) (1). (The hard copy letter must include the information required by this regulation.)

It should be noted that only final documents must be signed and sealed. This would include as-built plans and drawings and any plans, drawings, and maps that have gone through review and been approved by DMLR and DM.

DMLR and DM are currently working to acquire digital signature technology that will eliminate the need for the hard copy letter required by §[18VAC10-20-760](#)(B) (1). Once this technology is in place, DMLR and DM will notify the companies and consultants of the steps to take to utilize the software.

Should you have any questions regarding this guidance memorandum, please contact the DMLR Chief Engineer (276) 523-8156 or the DM Safety Engineer at (276) 523-8231.

¹ This Memorandum is to be considered a guideline issued under the authority of § 45.1-230.A1 of the Code of Virginia which reads:

"In addition to the adoption of regulations under this chapter, the Director may at his discretion issue or distribute to the public interpretative, advisory or procedural bulletins or guidelines pertaining to permit applications or to matters reasonably related thereto without following any of the procedures set forth in the Administrative Process Act (§ 2.2-4000 et seq.). The materials shall be clearly designated as to their nature, shall be solely for purposes of public information and education, and shall not have the force of regulations under this chapter or under any other provision of this Code."

² A copy of this regulation is attached at the end of this memorandum.

18VAC10-20-760. Use of seal.

A. The application of a professional seal shall indicate that the professional has exercised direct control and personal supervision over the work to which it is affixed. Therefore, no professional shall affix a name, seal or certification to a plat, design, specification or other work constituting the practice of the professions regulated which has been prepared by an unlicensed or uncertified person unless such work was performed under the direct control and personal supervision of the professional while said unlicensed or uncertified person was an employee of the same firm as the professional or was under written contract to the same firm that employs the professional. If the original professional of record is no longer employed by the regulant or is otherwise unable to seal completed professional work, such work may be sealed by another professional, but only after a thorough review of the work by the professional affixing the professional seal to verify that the work has been accomplished to the same extent that would have been exercised if the work had been done under the direct control and personal supervision of the professional affixing the professional seal.

B. An appropriately licensed or certified professional shall apply a seal to final and complete original cover sheets of plans, drawings, plats, technical reports and specifications and to each original sheet of plans, drawings or plats, prepared by the professional or someone under his direct control and personal supervision.

1. All seal imprints on the cover or first sheet of final documents shall bear an original signature and date. "Final Documents" are completed documents or copies submitted on a client's behalf for approval by authorities or recordation. In such cases, the cover sheet of the documents or copies shall contain a list of drawings or plats included in the set on which a seal, original signature and date shall be affixed for all regulated disciplines. Every page of the submission, other than the cover, may be reproduced from originals which contain the seal, original signature and date by each discipline responsible for the work.

a. An electronic seal, signature and date are permitted to be used in lieu of an original seal, signature and date when the following criteria, and all other requirements of this section, are met:

(1) It is a unique identification of the professional;

(2) It is verifiable; and

(3) It is under the professional's direct control.

b. A professional should not seal original documents made of mylar, linen, sepia, or other materials, or that are transmitted electronically, which can be changed by the person or entity with whom the documents are filed, unless the professional accompanies such documents with a signed and sealed letter making the recipient of such documents aware that copies of the original documents as designed by the professional have been retained by the professional and that the professional cannot assume responsibility for any subsequent changes to the reproducible original documents that are not made by the professional or those working under his direct control and personal supervision.

2. Incomplete plans, documents and sketches, whether advance or preliminary copies, shall be so identified on the plan, document or sketch and need not be sealed, signed or dated.

3. All plans, drawings or plats prepared by the professional shall bear the professional's name or firm name, address and project name.

4. The seal of each professional responsible for each profession shall be used and shall be on each document that was prepared under the professional's direction and for which that professional is responsible. If one of the exemptions found in §54.1-402 of the Code of Virginia is applicable, a professional licensed or certified by this board shall nevertheless apply his seal to the exempt work.

5. Application of the seal and signature indicates acceptance of responsibility for work shown thereon.

6. The seal shall conform in detail and size to the design illustrated below and shall be two inches in diameter. The designs below may not be shown to scale.